

COMMERCIAL SHELLFISH REGULATIONS

ARTICLE I

[Readopted 12/1/93; amended 11/1/95; amended 10/18/06]

NOTES:

- Under the authority of Massachusetts General Law, Chapter 130.
- Under the authority of Chapter 122 of the Code of the Town of Nantucket.

230-1: PERMIT REQUIRED; TAKING OF SHELLFISH; SEASONS; LIMITS

- A. The Board of Selectmen shall authorize the issuance of permits by the Marine & Coastal Resources Department under the authority of Chapter 130 of the General Law of the Commonwealth of Massachusetts and subject to the following conditions: No person without a shellfish permit shall take any shellfish as defined in M.G.L. Chapter 130, Section 1 by any means from the waters of the Town of Nantucket. The term shellfish is defined as clams, conch, limpets, mussels, oysters, periwinkles, quahaugs, razor clams or razor fish, scallops, sea clams, sea quahaugs, sea scallops and winkles. **[Amended 10/18/06]**
- (1.) Applications for permits shall be filed between January 1st and March 31st for the season beginning the following November 1st.
- (2.) Late applications shall be subject to the following penalty: the permit shall be valid either as of December 1st or as of the thirtieth (30th) day after the date of application, whichever date is later. **[Amended November 1, 1995]**
- B. The Board of Selectmen shall allow the taking of legal scallops for commercial purposes during the period from November 1st to March 31st, inclusive. The Marine Superintendent is authorized, as he/she determines necessary, to close the commercial scalloping season during times when seed scallops are stranded on the beach. **[Amended December 1, 1993]**
- C. Scallops shall be taken by hand only for family use and not over one bushel per person per week, and not for commercial purposes during the month of October.
- D. No scallops shall be taken under permit issued by the Board of Selectmen unless they shall have a **well-defined raised growth line**, as provided by section 70 of Chapter 130 of the General Laws of the Commonwealth of Massachusetts.
1. A first violation of this Section 230-1.D. shall be punished by a mandatory revocation of permit for one day. The violator must also attend a seed scallop identification course provided by the Town Biologist.
 2. A second violation of this section 230-1.D. shall be punished by a mandatory revocation of permit for one week.
 3. A third violation of this Section 230-1.D. shall be punished by a mandatory revocation of permit for one year from the date of the violation. **[Amended 10/18/06]**

- E. Not over five standard type boxes (provided by the Town) of scallops shall be taken per man per day, including shells, and not over ten standard type boxes of scallops, including shells, shall be taken per boat per day. This limit of five and ten shall be interpreted as including scallops taken under this commercial permit and family permit. Boxes may not be filled to exceed a "level" with the top of said box.
- F. No scallops shall be taken from the waters of Nantucket when the air temperature has not reached 28 degrees Fahrenheit by 10:00 AM. Official thermometer will be installed at the Marine & Coastal Resources Department, 34 Washington Street, Nantucket, MA. At the same location and at Madaket launching pier will be flown a square red flag designating low temperature, no scalloping. Scalloping will not be allowed when the red flag is up. Flag will be lowered by official members of the Marine & Coastal Resources Department or their designees. **[Amended March 16, 1994]**
- G. No clams, quahogs , oysters, or scallops shall be taken by hand or otherwise from such seed areas as are now set off or closed by action of the Board of Selectmen or from such areas as may be set off or closed by the Board of Selectmen during the period these regulations remain in force. Clams must measure 2.5 inches or more and quahogs must measure 2 inches or more. Notwithstanding the above, the Marine Superintendent in consultation with the Harbor and Shellfish Advisory Board may designate "seed scallop areas" which may be closed at his/her discretion. **[Amended December 1, 1993]**

203-2: USE OF DREDGES

- A. The use of dredges is permitted between the hours of 6:30 AM and 4:30 PM. All scallop boats must be at the off-loading points by 4:30 PM. The use of dredges on Sunday is prohibited during the legal scallop season, and no scallops shall be taken on Sunday by hand for commercial purposes. **[Amended March 16, 1994]**
- B. The use of two or more dredges connected together by an iron bar or any similar device is prohibited. No dredge or dredges of greater width than twenty-eight inches across the mouth will be permitted. Power hoisting of dredges is authorized provided no dredge is more than twenty-eight inches wide, seven rings deep, the bar on the dredge is not over eighteen mesh long and the complete dredge does not exceed forty lbs. in weight. **[Amended December 1, 1993]**

230-3: PERMIT FEES

- A. The fee for a permit to take scallops under this article shall be two hundred fifty dollars (\$250.00), effective January 1, 1998. There shall be no fee for individuals over sixty years of age. **[Amended July 16, 1997]**

230-4: VIOLATIONS; PENALTIES

- A. A first violation of any of the provisions of this article shall be punishable, upon a hearing by the Board of Selectmen, by revocation of permit for not more than thirty (30) days from the date of the

Board of Selectmen's action revoking said permit. If penalty should carry over the end of the season, the balance of the penalty remaining shall be carried over and be effective in the next scallop season.

- B. A second violation of any of the provisions of this article shall be punishable, upon a hearing by the Board of Selectmen, by revocation of permit for one year from the date of the Board of Selectmen's action revoking said permit.
- C. Any violation of any rule or regulation made by the Board of Selectmen under the authority of Chapter 130 of the General Laws of the Commonwealth of Massachusetts shall, in addition to any other penalty provided therein, be punished by a fine of not less than fifty (\$50.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment for not more than three months, or both.